

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,

-v.-

WEGELIN & CO.,

Defendant.  
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:  
: STIPULATED PRELIMINARY  
: ORDER OF FORFEITURE

: S1 12 Cr. 2 (JSR)  
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:  
: x

WHEREAS, on or about February 2, 2012, WEGELIN & CO. ("WEGELIN" or the "defendant"), was charged in a one-count superseding indictment, S1 12 Cr. 2 (JSR) (the "Superseding Indictment"), with conspiring with U.S. taxpayers to defraud the Internal Revenue Service, file false federal income tax returns, and evade federal income taxes, and with committing certain overt acts in furtherance of the conspiracy, in violation of Title 18, United States Code, Section 371;

WHEREAS, on or about January 3, 2013, the defendant pled guilty to the Superseding Indictment pursuant to a plea agreement dated December 3, 2012 (the "WEGELIN Plea Agreement");

WHEREAS, pursuant to the WEGELIN Plea Agreement, WEGELIN agreed to transfer \$15,821,000 in United States Currency (the "Defendant Funds") to a seized assets deposit account maintained by the United States Department of Treasury;

WHEREAS, the Defendant Funds represents WEGELIN's gross proceeds from approximately 2002 through 2010 of its scheme to

defraud the United States as set forth in the Superseding Indictment and herein;

IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned parties, as follows:

1. WEGELIN agrees that the Defendant Funds shall be forfeited to the United States for disposition according to law, pursuant to Title 18, United States Code, Section 981(a)(1)(C), and that this Stipulated Preliminary Order of Forfeiture be entered in the above-captioned action.


2. WEGELIN represents that it is the sole owner of the Defendant Funds and agrees to hold harmless the United States and any and all of its agents and employees (including, without limitation, the U.S. Attorney's Office, Southern District of New York, and the Internal Revenue Service, Criminal Investigations) from any and all claims, including, without limitation, third-party claims, in connection with or arising out of the United States forfeiture of the Defendant Funds.

3. Pursuant to Rules G(4)(a)(iv)(C) and G(5)(a)(ii) of the Supplemental Rules for Certain Admiralty or Maritime Claims and Asset Forfeiture Actions, the United States shall publish for at least thirty (30) consecutive days on the government internet site, [www.forfeiture.gov](http://www.forfeiture.gov), notice of this Stipulated Preliminary Order of Forfeiture and notice that any person, other than the Defendant in this case, claiming an

interest in the Defendant Funds must file a petition within sixty (60) days from the first day of publication of the notice on this official government internet site.


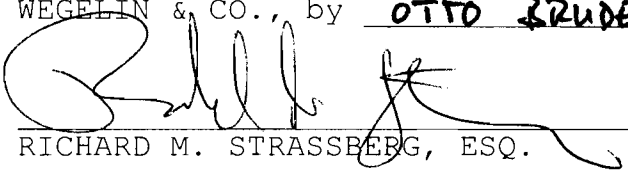
4. Upon adjudication of any third party claims to the Defendant Funds, this Court will enter a Final Order of Forfeiture with respect to the Defendant Funds pursuant to Title 18, United States Code, Section 981(a)(1)(C).

PREET BHARARA  
United States Attorney for the  
Southern District of New York

By:   
DANIEL W. LEVY  
DAVID B. MASSEY  
JASON H. COWLEY  
Assistant United States Attorneys

12/21/12  
Date

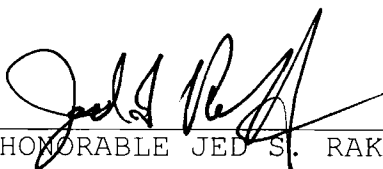
WEGELIN & Co.

By:   
WEGELIN & CO., by OTTO BRUDNER  
By:   
RICHARD M. STRASSBERG, ESQ.  
JOHN MOUSTAKAS, ESQ.  
Goodwin Procter LLP  
Attorneys for WEGELIN & CO.

1/3/13  
Date

1/3/13  
Date

SO ORDERED:

  
THE HONORABLE JED S. RAKOFF  
United States District Judge  
Southern District of New York

1/3/13  
Date